

**AQUACULTURE LEASE
INTERVENOR APPLICATION**

This application for intervenor status must be received by the Department at least ten days prior to the hearing scheduled for the aquaculture lease application. The Commissioner will decide whether to grant or deny this application for intervenor status at least five (5) days prior to the hearing.

Please read the entire application before responding. **(Print clearly or type).**

1. Name of applicant: _____

Address: _____

2. Provide identity of the aquaculture lease application for which you request intervenor status:

3. Specifically describe the manner in which the proposed aquaculture activities will substantially and directly affect you:

4. Describe your existing uses, if any, of the proposed lease site, and indicate whether such uses are recreational or commercial:

5. Describe your existing uses, if any, of the area surrounding the proposed lease site, and indicate whether such uses are recreational or commercial:

6. Describe any other interests you may have in the lease proceeding which merit approval of your intervention request:

7. Describe in detail your objections, if any, to the proposed aquaculture lease.

Date

Signature of Applicant

DEPARTMENT OF MARINE RESOURCES

Chapter 2 - Aquaculture Lease Regulations

2.20 Intervention

1. Forms

The Commissioner shall on request supply application forms for intervenor status and require the submission of the following information:

1. The identity of intervenor applicant;
2. A description of the manner in which the intervenor applicant may be substantially and directly affected by the granting of an Application. This description shall include information describing the intervenor applicant's existing use of the proposed lease area. In the event that the applicant is not a member of a class which may be substantially and directly affected by the proceeding, the applicant shall describe any other interest he may have in the lease proceeding which merits Department approval of his intervenor status; and
3. A description of intervenor applicant's objections, if any, to the proposed aquaculture lease.

2. Filing of Applications

Any application for intervenor status must be filed in writing and received by the Department at least 10 days prior to the hearing. The Commissioner may waive the 10 day deadline for good cause shown.

3. Participation Limited or Denied

At least 5 days prior to the hearing, the Commissioner shall decide whether to allow or refuse intervenor applications. The Commissioner shall provide written or oral notice of his decision to the intervenor applicant and all other parties to the proceeding. When participation of any intervenor is limited or denied, the Commissioner shall include in the hearing record an entry noting his decision and the reasons therefore.

1. Full Participation. The Commissioner shall approve intervenor status for any person who is substantially and directly affected by the granting of an aquaculture lease application, and for any other agency of federal, state, or local government.
2. Limited Participation. The Commissioner may grant limited intervenor status to an intervenor applicant where the Commissioner determines that the applicant has a lesser interest than that necessary for full intervenor status but whose participation as a limited intervenor is warranted or would be helpful to the Commissioner in his decision making. The Commissioner may also grant limited intervenor status when the applicant has an interest in the proceeding and where the Commissioner determines that the applicant's interest or evidence to be offered would be repetitive or cumulative when viewed in the context of the interest represented or evidence to be offered by other intervenors. The Commissioner shall describe the manner in which a limited intervenor is permitted to participate in the adjudicatory process in his written notification of the granting of such status.

3. Consolidation. The Commissioner may require the consolidation of two or more intervenors' testimony, evidence and questioning if he determines that it is necessary to avoid repetitive or cumulative evidence or questioning.

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2.20 Intervention (cont.)

4. Correspondence of Parties. Once admitted as an intervenor, whether full or limited, the intervenor applicant shall be considered a party to the proceeding. Each party shall provide copies of all correspondence with the Department to all other parties and will be notified of all communications between the Department and other parties to the aquaculture lease proceedings.